

## **Egremont Planning Board Minutes**

**March 10, 2021 (working session)**

**Call to order:** 10:04 a.m.

**Present:** Jared Kelly, Nick Keene, Eddie Regendahl, Matthew Bersani, Donna Gordon

**Citizens:** Eileen Vining, Guy Genin, Ben Barrett, Robert Derector, Lucinda Vermeulen, Barbara Kalish, Stephen Cohen, Marj Wexler, Rick Ramsey, Susan Obel, Kevin Zurrin, Lorri Robbins, Laura Gratz, Mary McGurn, Marshall Bouton, Rich Montone, Peter Barrett, Tom McMahon, Lisa Williams

**Mail:** - Town of Sheffield Planning Board will hold a virtual Public Hearing on March 24, 2021, at 7:00 pm to act on the Special Permit application for ZGC, LLC property located at Polikoff Road, Sheffield, MA for Outdoor Cannabis Cultivation. To attend, dial 425-436-6322, access code: 142741. A copy of application is on file in the Town Clerk's office.

- The Town of Sheffield Planning Board will hold a Public Hearing on a proposed amendment to the Sheffield Zoning Bylaw regarding Table of Use on March 18, 2021 at 7:10 pm via conference call dial 425-436-6322, Access Code: 142741. Copies of the amendment may be viewed by contacting the Town Clerk or visiting the Town's website under Planning Board.
- The Town of Sheffield Planning Board will hold a public hearing on a proposed amendment to the Sheffield Zoning Bylaw regarding Accessory Uses on March 18, 2021 at 7:00 pm via conference call, 425-436-6322, Access Code: 142741. Copies of the amendment may be viewed by contacting the Town Clerk or visiting the Town's website under Planning Board.
- The Town of Sheffield Planning Board will hold a virtual Public Hearing on March 18, 2021 at 7:45 pm, to act on the Special Permit application for Wise Acre Farm, Inc. located at 286 Polikoff Road, Sheffield, MA for Outdoor Cannabis Cultivation.
- The Town of Great Barrington, Planning Board will hold a public hearing on Thursday, March 25, 2021, at 6:00 pm via Zoom regarding proposed changes to the Zoning Bylaw and/or the Zoning Map: Amending the Downtown Business Mixed Use B-3 district regulations; Amending sections which regulates marijuana establishments; amending the Table of Use Regulations to allow marijuana establishments by Special Permit in 1-2 zones; and Amending the Zoning Map and Section 9.11 to rezone portion of the MXD district to an R-3 district. A copy may be reviewed on the town website or in the Town Clerk's office at Town Hall.
- The Town of Great Barrington, Zoning Board of Appeals voted to grant a special permit to Frank and Ruthanne Mirchin to alter a nonconforming single family home.

- The Town of Great Barrington, Zoning Board of Appeals, notice of decision on a Special Permit, voted to grant a Special Permit to 17 Mahaiwe Group LLC to alter and expand a nonconforming 2 story barn.
- The Town of Great Barrington Selectboard, notice of decision on a Special Permit, for 17 Mahaiwe Group LLC for a mixed use development consisting of a single family home and a contractor's yard, (with 10 conditions)
- **Minutes:** Postponed until next meeting.
- **Form As** - None

**Proposed Marijuana Bylaw:** Chairperson Kelly updated the Board regarding Town Counsel's advice that ban questions would have to go to town meeting before they could be placed on ballots. The BOS considered our proposed Amendment to the Bylaw concerning Agriculture by right, changing the language of agriculture to exclude marijuana cultivation by right and other types of marijuana activities. The BOS agreed to place the proposed amendment on the Warrant at Annual Town Meeting (ATM). The Select Board advised that their preference was to not have marijuana ban questions or Bylaw issue presented at the ATM, but rather have marijuana addressed at a Special Town Meeting.

Town Counsel Jeremiah Pollard joined our meeting to share his perspective on his experiences working with multiple towns on Marijuana, to answer questions from the Board and citizens and finally to offer advice on next steps. Jeremiah first spoke about HCA's and how he believes they will no longer be required in the future. He believes towns that have done best place caps on the number of licenses or ME's allowed in the Town which prohibits large scale businesses. Other takeaways from Jeremiah: Because Egremont voted not to ban all licenses except MR, instituting a ban is challenging and not easily done. (He reminded us that medical marijuana cannot be banned). He recommended the PB draft the most conservative Bylaw using caps and limits. He also suggested setbacks, acreage minimums, square footage minimums, capping each license to 1 and/or capping total ME licenses would help protect the town. He shared his personal belief that only big money is benefitting from the Marijuana business and that the people who were harmed the most by the criminalization of marijuana have been denied entry. He also takes issue with how long it takes for a ME to get established from first receiving its provisional license to actually opening. He believes this issue should be addressed and regulated.

Egremont does not allow manufacturing and he stated that all Marijuana businesses fall into a "light industrial" business category. He believes without the boots and suspenders of a Marijuana Bylaw, this provision can be legally challenged. He also confirmed that the PB cannot be the sole SPGA with respect to Marijuana and stated that with respect to nonconforming use and alternations, applicants would come before the ZBA and then the PB for new use as per state mandates.

**Citizens:** Rick Ramsey and Marshall Bouton asked Jeremiah about best practices in how to understand how the community feels and how to educate them. They wondered if New Marlborough was a good boilerplate for us. Again, Jeremiah pointed to a previous Egremont town vote not to ban and described how disjointed a meeting can become by offering that option again. He again suggested using caps to regulate a Bylaw.

Mary McGurn inquired of Jeremiah if he were following the movement in the state to bring HCA's under the regulatory purview of the CCC. She also wondered what could be done to reduce the timeframe between provisional license to final license.

**Marijuana Bylaw** - The Board revisited the notion of bringing an up/down ban vote to Annual Town Meeting. In light of what the Board learned from Town counsel and the Board of Selectmen, the Board unanimously voted to continue to work with the community on a Bylaw and take the time to bring the right Bylaw to a Special Town meeting following the Annual Town meeting, hopefully in July, 2021. The Board discussed educational material to be distributed leading up to and at the ATM. The Moderator generously offered to give the PB time to speak to the citizens at the ATM to prepare them for a Public Hearing before the Special Town Meeting. Jared worked on a preliminary Q&A that he shared with the Board for discussion. The Board and citizen, Marc Bernstein concurred that having the Board state their recommendation for each license type would be helpful. The Board agreed that distributing information on the various license types and definitions immediately would be helpful to educate the citizens.

**Future Agenda Items:** A reminder that the Board must hold a Public Hearing related to the proposed amendment to change the definition of Agriculture in the Bylaw.

**Future meetings:** Wednesday, March 31, 2021 at 10:00 am

**Meeting Adjourned:** 12:18 PM

Submitted by: Donna B. Gordon, March 18, 2021